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U.S. Department of Labor For Immediate Release
Office of Public Affairs
Washington, D.C.
Release Number: 14-1426-NAT

July 31, 2014
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First phase of MSHA's respirable coal mine dust rule goes into effect

ARLINGTON, Va. – Implementation of the landmark regulation aimed at preventing black lung disease begins on Aug. 1, according to the U.S. Department of Labor's Mine Safety and Health Administration. "[Lowering Miners' Exposure to Respirable Coal Mine Dust, Including Continuous Personal Dust Monitors.](#)" was released on May 1 and will be phased in over the next two years at all surface and underground coal mining operations. The first phase of the rule continues the department's efforts through its [End Black Lung – Act Now!](#) initiative.

"August 1 marks the beginning of a healthier future for coal miners in America," said Joseph A. Main, assistant secretary of labor for mine safety and health. "Miners can have greater confidence that the air they breathe at work will not destroy their lungs."

Prolonged exposure to respirable coal mine dust causes lung diseases such as coal workers' pneumoconiosis, emphysema and progressive massive fibrosis. These diseases, collectively referred to as black lung, can lead to permanent disability and death. According to the [National Institute for Occupational Safety and Health](#), more than 76,000 miners have died since 1968 as the result of the disease, and more than \$45 billion in federal compensation benefits have been paid to coal miners disabled by black lung and their survivors.

Evidence indicates that miners, including young miners, continue to be diagnosed with the disease. The investigation of the 2010 Upper Big Branch mine disaster disclosed that 17 of the 25 miners who died had evidence of black lung. Just last month, the department's [Office of Workers' Compensation Programs](#) announced that it expects more than 7,400 claims to be filed this year as a result of the disease.

The final rule lowers miners' exposure to coal dust, substantially increases operator sampling for respirable coal mine dust, and requires immediate corrective action when an operator's sample shows excessive concentrations. While the frequency of sampling by MSHA inspectors does not change, the final rule authorizes MSHA to cite an operator based on a single MSHA sample showing excessive dust, rather than on an average of samples.

The first of three phases is effective on Aug. 1 and provides immediate protections to miners. This first phase contains critical provisions that eliminate loopholes that have masked overexposures to coal dust. The provisions include the following:

- Compliance is determined based on a single, full-shift sample obtained by MSHA; measurement does not stop after 8 hours.
- Immediate corrective action is required when a single, full-shift sample obtained by an operator finds an excessive level of dust. Failure to take corrective action will result in a citation.
- Sampling is required on all shifts.
- Underground mine operators must collect respirable dust samples when mines are operating at 80 percent of production, so that samples are more representative of actual working conditions.
- Training and certification is strengthened for people who conduct sampling, and the decertification process is defined by regulation for the first time.

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- More thorough examinations of dust controls on mining sections are required during each shift.
- The number of work positions to be sampled at surface mines increases significantly.
- Periodic X-ray requirements for underground miners are extended to surface miners. The requirements are also expanded beyond X-rays to include lung function testing, occupational history and symptom assessment.
- Transfer rights for miners with coal workers' pneumoconiosis are extended to surface miners.
- Sampling of miners with coal workers pneumoconiosis is increased.

“MSHA has worked extensively with the mining community since April to make sure these new protections are in place and that miners get the benefit of lower dust levels in the air they breathe,” said Main. “The recent impact inspection at [Rhino Eastern LLC’s Eagle Mine 3](#), where inspectors found virtually no dust controls, underscores the need for this rule,” he added.

The agency has hosted briefing sessions and stakeholder meetings across the country to provide a comprehensive review of the rule’s new requirements. Its [web page](#) contains compliance material, fact sheets, frequently asked questions and answers, dust sampling certification guides and other information.

The [next phase of implementation](#) of the final rule goes into effect on Feb. 1, 2016.

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